UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA

ANDREW WILLIAM PANKOTAI,

Plaintiff,

v.

NORTHUMBERLAND COUNTY COURTHOUSE, et al.,

Defendants.

CIVIL ACTION NO. 4:16-cv-00004

(BRANN, J.)
(SAPORITO, M.J.)

FILED
WILKES BARRE
MAY 05 2017
Per MS

ORDER

On May 4, 2017, the Court received and filed a brief in opposition to a motion to dismiss, signed and dated by Dixie Pankotai, spouse of the *pro se* plaintiff, Andrew William Pankotai. (Doc. 24). The plaintiff's spouse purportedly signed the brief on his behalf in her capacity as his attorney-in-fact, pursuant to a duly executed power of attorney. The *pro se* plaintiff himself has not personally signed the brief, and Dixie Pankotai is not an attorney admitted to practice before this Court.

Rule 11 of the Federal Rules of Civil Procedure requires that "[e]very pleading, written motion, and other paper must be signed . . . by a party personally if the party is unrepresented [by counsel]." Fed. R. Civ. P. 11(a). A non-lawyer is not permitted to represent other parties, including family members, in federal litigation. *See Osei-Afriyie v. Med. Coll. of Pa.*, 937 F.2d 876, 882–83 (3d Cir. 1991) (non-lawyer not permitted to represent his minor children); *Williams v. United States*, 477 Fed. App'x. 9, 11 (3d Cir. 2012) (per curiam) (non-lawyer holding power of attorney under state law not permitted to represent her father *pro se* in federal litigation). Thus, the opposition brief filed with the Court on May 4, 2017, has failed to satisfy the signature requirement imposed by Rule 11.

Rule 11 further provides that "[t]he court must strike an unsigned paper unless the omission is promptly corrected after being called to the . . . party's attention." Fed. R. Civ. P. 11(a); *see also People ex rel. Snead v. Kirkland*, 462 F. Supp. 914, 917–18 (E.D. Pa. 1978) (striking *pro se* complaint with respect to two plaintiffs who did not sign it). Accordingly, the plaintiff, having now been notified of the defect in his brief, will be directed to correct this defect by filing an amended brief, personally signed by the plaintiff himself or by counsel admitted to the bar of this Court. If an amended brief that complies with Rule 11 is not filed within the specified time period, the original brief will be struck from the record. *See* Fed. R. Civ. P. 11(a); *Snead*, 462 F. Supp. at 917–18. Similarly, if an amended brief is filed, but it is not signed by the plaintiff, either personally or by counsel, the amended brief will be struck as well. *See* Fed. R. Civ. P. 11(a); *Snead*, 462 F. Supp. at 917–18.

Accordingly, **IT IS HEREBY ORDERED THAT** the plaintiff shall file an amended brief in opposition to defendant Kathleen Ann Lincoln's motion to dismiss (Doc. 21) within **twenty-one (21) days** of the date of this Order, which shall fully comply with the requirements of Rule 11 of the Federal Rules of Civil Procedure.

Dated: May 5, 2017

JOSEPH F. SAPORITO, JR.
United States Magistrate Judge